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United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ASHLEY MARIE AURICH,

Defendant.

CASE NO. 2:20-CR-219-WBS
NOTICE OF RELATED CASES

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARTURO PACHECO,

Defendant.

CASE NO. 2:20-CR-221-WBS
NOTICE OF RELATED CASES

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRENDA VILLA,

Defendant.

CASE NO. 2:22-CR-0245 DAD
NOTICE OF RELATED CASES

Pursuant to Local Rule 123, the United States of America, through Assistant U.S. Attorneys

Michael D. Anderson and Rosanne L. Rust, gives notice that the above-entitled actions are related within the meaning of Local Rule 123.

I. STATEMENT OF FACTS

On November 18, 2020, an information was filed in 2:20-cr-219-WBS, charging defendant Ashley Marie Aurich with a single count of falsification of records in a federal investigation, in violation of 18 U.S.C. § 1519. Case 2:20-cr-219, ECF No. 1. The charge against defendant Aurich arises from her submission of a California Department of Corrections and Rehabilitation (CDCR) report in which she falsely described, among other things, Arturo Pacheco's assault on a CDCR inmate on or about September 15, 2016. Case 2:20-cr-219, ECF No. 1. In case number 2:20-cr-221-WBS, Pacheco is charged with, among other things, a criminal civil rights violation arising from that assault.

On November 19, 2020, a grand jury returned a four-count indictment in case number 2:20-cr-221-WBS, charging defendant Pacheco with two counts of deprivation of rights under color of law, in violation of 18 U.S.C. § 242, and two counts of falsification of records in a federal investigation. Case 2:20-cr-221, ECF No. 1. One of the Section 242 counts (Count Two) alleges that Pacheco assaulted a CDCR inmate on or about September 15, 2016. And one of the Section 1519 counts (Count Four) alleges that Pacheco submitted a report regarding the assault that contains false statements. Case 2:20-cr-221, ECF No. 1. Aurich's false report—alleged in the sole count of the information in case 2:20-cr-219-WBS—is about Pacheco's assault on the victim on or about September 15, 2016. *See* Case 2:20-cr-219, ECF No. 1 and Case 2:20-cr-221, ECF No. 1 at 3–4, 5–7.

On November 23, 2020, the United States filed a Notice of Related Cases in both 2:20-cr-219-WBS and 2:20-cr-221-WBS, which the Court granted on November 24, 2020. *See* 2:20-cr-219-WBS, ECF No. 8. Senior United States District Judge William B. Shubb sentenced Pacheco and Aurich.

On December 8, 2022, a grand jury returned a five-count indictment in case number 2:22-cr-0245 DAD, charging defendant Brenda Villa with one count of conspiracy, in violation of 18 U.S.C. § 371, three counts of falsification of records in a federal investigation, in violation of 18 U.S.C. § 1519, and one count of perjury, in violation of 18 U.S.C. § 1623. Case 2:22-cr-0245 DAD, ECF No. 1. The indictment allegations in this case, 2:22-cr-0245 DAD, deal with the same facts at issue in the Section 242 count (Count Two) and corresponding Section 1519 count (Count Four) in Pacheco's case,

regarding his assault on an inmate on or about September 15, 2016.

II. ANALYSIS

Under Local Rule 123(a), cases may be related if the Court finds:

- (1) both actions involve the same parties and are based on the same or similar claim;
- (2) both actions involve the same property, transaction or event;
- (3) both actions involve similar questions of fact and the same question of law and their assignment to the same Judge...is likely to effect a substantial savings of judicial effort, either because the same result should follow in the actions or otherwise; or
- (4) for any other reasons, it would entail substantial duplication of labor if the actions were heard by different Judges....

EDCA L.R. 123(a).

Here, the criminal cases are related within the meaning of Local Rule 123(a) because “the actions involve the same property, transaction or event,” and the “actions involve similar questions of fact.” L.R. 123(a)(1), (2). All three cases include at least one count that arises from defendant Pacheco’s assault on a victim on or about September 15, 2016. Moreover, all defendants are charged with subsequently preparing false reports regarding that same assault. While defendant Pacheco also faced charges arising from a separate assault and false report, the common event and facts underlying the sole count in case 2:20-cr-219-WBS and Counts Two and Four of case 2:20-cr-221-WBS establish that these cases are related, pursuant to Local Rule 123(a).

For these reasons, the United States respectfully requests that, in the interest of judicial economy, case numbers 2:20-cr-219-WBS, 2:20-cr-221-WBS and 2:22-cr-0245-DAD be assigned to the same United States District Judge.

Dated: December 27, 2022

PHILLIP A. TALBERT
United States Attorney

By: /s/ MICHAEL D. ANDERSON
MICHAEL D. ANDERSON
Assistant United States Attorney